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\*\*\* TX REPORT \*\*\*  
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RECIPIENT ADDRESS 1888#011738#00148#15712738300  
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### **FACSIMILE TRANSMITTAL SHEET**

**TO:** U.S. Patent And Trademark Office **FROM:** Binai J. Patel

**COMPANY:** Mail Stop AMENDMENT **DATE:** December 5, 2006

**FAX NO.:** 571-273-8300 **TOTAL NO. OF PAGES:** (Including cover sheet) 27

**YOUR REFERENCE NO.:** **OUR REFERENCE (C/M) NO.:** 011738.00149

**RE:** Filing Of Response/Amendment and 1 month extension of time For U.S. Serial No. 10/687,344  
Application Of Osorio, et al.  
Filed October 15, 2003  
Title: Screening Techniques For Management Of A Nervous System Disorder

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**NAME:** Kathy Kessling **PHONE:** 312-463-5505

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FAX NUMBER:

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TOTAL NO. OF PAGES:

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Response to Notice of  
Non-Compliant Trademark

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 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,344	10/15/2003	Ivan Osorio	011738.00149	7817
22908	7590	02/24/2006		
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			EXAMINER ASTORIA, MIHAEL C	
			ART UNIT 3736	PAPER NUMBER
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

11738.00149 *44*  
**DOCKETED**  
 Not. of No. & Compliance  
 MAR 01 2006 REC'D.

Reg. Due: 3/26/06  
*RE-REGISTER*

REC'D.  
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 DOCKETING

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)
	10/687,344	OSORIO ET AL.
	Examiner	Art Unit
	Michael C. Astorino	3736



Michael C. Astorino  
571-272-8723

Continuation Sheet (PTOL-324)

Application No. \_\_\_\_\_

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 09 November 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet" "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replace new drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the claim number is the individual identifier number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - C. D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
 

The response was submitted by fax. The faxed document received including the claims and response was of poor quality. Specifically, certain characters were missing from the documents. The applicant should re-file the response by mail or from a fax machine that will transmit the document properly.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:  
 Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or  
 Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No. \_\_\_\_\_

Part of Paper No. 0610

U.S. Patent and Trademark Office  
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

USPTO 12/5/2005 5:51 PM PAGE 1/001 Fax Server  
 TO: Auto-reply fax to 13124635001 COMPANY:

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<b>FACSIMILE TRANSMITTAL SHEET</b>			
TO:	FROM:		
U.S. Patent And Trademark Office	Binal J. Patel		
COMPANY:	DATE:		
Mail Stop AMENDMENT	December 5, 2005		
FAX NO.:	TOTAL NO. OF PAGES: Including cover sheet		
671-273-8300	27		
YOUR REFERENCE NO.:	OUR REFERENCE (CIS) NO.:		
011738.00140			
DATE: Filing Of Response/Amendment and 1 month extension of time For U.S. Serial No. 18467,344 Application Of Charlie, et al. Filed October 15, 2003 Title: Screening Techniques For Management Of A Nervous System Disorder			
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			PORTLAND, OR
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P1 0/6B/21 (09-04)

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TRANSMITTAL  
FORM

Application Number	10/887,344
Filing Date	October 15, 2003
First Named Inventor	Osorio, et al.
Art Unit	3738
Examiner Name	Michael C. Astorino
Total Number of Pages in This Submission	011738.00149

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(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Attorney Docket Number

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <small>(please identify below):</small> <small>Fax Cover sheet</small>
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Binal J. Patel		
Date	December 5, 2005	Reg. No.	42,065

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Signature	Thomas Wilson	Date	December 5, 2005
Typed or printed name	Thomas Wilson		

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TRANSMITTAL  
FORM

Application Number	10/687,344
Filing Date	October 15, 2003
First Named Inventor	Osorio, et al.
Art Unit	3736
Examiner Name	Michael C. Astorino

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<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

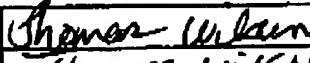
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Printed Name	Binal J. Patel		
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Typed or printed name	Thomas L. Urban		

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Effective on 12/08/2004.

Fee pursuant to the Consolidated Appropriations Act, 2006 (H.R. 4818).

# FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 320.00)

Complete if Known	
Application Number	10/687,344
Filing Date	October 15, 2003
First Named Inventor	Osorio, et al.
Examiner Name	Michael C. Astorino
Art Unit	3736
Attorney Docket No.	011738.00149

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Under 37 CFR 1.16 and 1.17

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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee Paid (\$)
Utility	300	150	500	250	200	100	—
Design	200	100	100	50	130	65	—
Plant	200	100	300	150	160	80	—
Reissue	300	150	500	250	600	300	—
Provisional	200	100	0	0	0	0	—

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Sm. Entity	
				Fee (\$)	Fee (\$)
—	—	—	—	50	25
—	—	—	—	200	100
—	—	—	—	360	180

#### Multiple Dependent Claims

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
—	—	—	—	—

- 20 or HP=  x =

— 100 =  / 50 =  (round up to a whole number) x

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
—	—	—	—	—

- 100 =  / 50 =  (round up to a whole number) x

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Petition for One Month Extension of Time

120.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	42,065	Telephone	12-463-5000
Name (Print/Type)	Binal J. Patel				
		Date	December 5, 2005		

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